

August 22, 2019

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Rural Health Care Support Mechanism, WC Docket No. 02-60

Dear Ms. Dortch,

On August 21st, 2019, on behalf of my client Tanana Chiefs Conference (“TCC”), I met with Preston Wise, Special Counsel to Chairman Ajit Pai, concerning the above-referenced proceeding.

The discussion concerned TCC’s Request for Review and Waiver (“Waiver Request”), filed on April 28, 2017, by which, in pertinent part, TCC requested that the Commission review and reverse a decision by the Universal Service Company (“USAC”) denying TCC’s request to file three FCC Forms 466 outside of the USAC-imposed filing windows for the Rural Health Care (“RHC”) Program for Funding Year 2016 (“FY16”). USAC’s action resulted in TCC being denied desperately needed funding for telehealth services in rural Alaska.

The crux of the discussion concerned TCC’s request for expedited action on its Waiver Request, which involves funding for critical telehealth services that TCC provides to the subject rural health care providers (“HCPs”), as they are the only health care providers in the remote areas of Huslia, Hughes, and Chalkyitsik in Alaska. Citizens in those communities completely depend on the services provided by TCC. USAC’s decision resulted in a \$633,171 shortfall for TCC. If the Waiver Request is not granted, the telehealth services provided by TCC to the subject HCPs will be put in jeopardy. Those services are 98% funded by RHC, and TCC cannot possibly pay for them without the RHC funding. Accordingly, expedited action and a favorable decision on TCC’s Waiver Request are critical to ensure that the healthcare services for the three HCPs continue.

The conversation included the topic of a [Public Notice](#) issued by the Commission on August 26, 2019, wherein the Commission proposed three filing windows for FCC Forms 466 for FY16, the last of which would have been February 1, 2017 – April 30, 2017. These filing windows were intended to provide “a greater opportunity for HCPs filing within a filing window period to get some support, rather than none at all, even at the point where demand exceeds [the \$400 million] cap.” Instead of following the Commission’s stated policy, USAC subsequently decided to cancel the third filing window, resulting USAC’s refusing to accept TCC’s Forms 466, which, due to inadvertent errors that delayed the filings (TCC had never previously missed an RHC filing deadline) TCC would have filed in March 2017. Had the third filing window listed in the aforementioned Public Notice been in effect, TCC could have timely filed its Forms 466 to obtain necessary funding for telehealth services for the three HCPs.

Mr. Wise and I further discussed USAC’s reserve fund, which is intended to be used in situations such as this one, where USAC denies funding requests and those requests are or could be appealed. As

shown by [USAC's records](#), USAC had \$35,280,855 in reserve funding for FY16, a fraction of which, \$633,171, could have been released to TCC without disrupting the RHC funding process in the least. USAC has \$31.35 million in unused funds from [FY17](#) RHC distributions. Hence, funding TCC's Waiver Request is not an issue.

The third topic discussed was the number of precedents wherein the Commission granted waiver requests similar to that of TCC's, in which funding applications were delayed due to ministerial and other inadvertent errors. The Commission has ordered USAC to accept late-filed funding applications, in order to effectuate the requirements of Section 254 of the Communications Act which states, in pertinent part, that consumers and health care providers in rural, insular, and high cost areas, should have access to telecommunications and information services.

Thank you for your attention to this matter. Should you have any questions or concerns, please contact me directly.

Sincerely,

/s/Ronald E. Quirk
Counsel to Tanana Chiefs Conference

cc: Preston Wise (via email)